

AMENDMENT TRANSMITTAL LETTER

Attorney Docket No:
N32565600

AF

Application Serial Number:
10/032,764Filing Date:
10/22/2001Examiner:
Fourson III, G.Group Art Unit:
2823Invention: **Semiconductor Device and Its Method of Manufacture**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	20	MINUS	20	0	\$18	\$ 0.00
INDEP. CLAIMS	3	MINUS	3	0	\$84	\$ 0.00

____ Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of _____ to and through _____, comprising an extension of the shortened statutory period of:
____ one month (\$110) _____ three months (\$950)
____ two months (\$400) _____ four months (\$1510)

TOTAL ADDITIONAL FEE FOR THIS AMENDMENT

- ____ Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
____ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
____ A check in the amount of \$ _____ is attached.
____ Charge \$ _____ to Deposit Account _____.
☒ No additional fee is required. It is believed that the indicated items are timely filed. However, in the event an extension of time is required, please consider this a petition for extension of time under 37 C.F.R. §1.136(a). Please charge any fees that may be required to Deposit Account No. 50-2087.

June 20, 2003
date

Darryl Walker
Darryl Walker
Reg. No. 43,232

I hereby certify that this correspondence and all correspondence identified as accompanying this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on June 20, 2003.

Darryl G. Walker
Darryl G. Walker

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kanamori, Kohji

Serial No.: 10/032,764

Filed: October 22, 2001

Title: Semiconductor Device and Its Method
of Manufacture

Attorney Docket No.: N32565600

Group Art Unit: 2823

Examiner: Fourson III, G.

REQUEST FOR RECONSIDERATION OF
FINALITY OF OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following is submitted in response to the Final Office Action dated April 24, 2003, currently due June 24, 2003.

Applicant respectfully requests that the status of the above-referenced Final Office Action be changed to Non-Final.

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37 C.F.R. §1.8

I hereby certify that this correspondence is being

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[] transmitted via facsimile to the United States Patent and Trademark Office to fax number:

Date of Transmittal: _____

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☒ deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date of Deposit: June 20, 2003

Typed/Printed Name: Darryl Walker

Signature: Darryl Walker

20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMARKS

Final Office Action Premature.

Claims 8-20 are pending in the application. The Final Office Action has made the rejection of claim 13 final.¹

5 A final rejection is proper on a second action, except where the examiner introduces a new ground of rejection not necessitated by amendment of the application by the applicant.²

In the present case, a first office action on the merits was issued 11/1/2002. This office action listed claim 13 as being rejected under 35 U.S.C. 103(a) based on U.S. Patent No. 4,679,304 (*Bois*) in view of Japanese Patent Publication 62-216268 (A) (*Goto*)
10 and further in view of U.S. Patent No. 5,731,221 (*Kwon*). However, no grounds of rejection were presented for the claim.³

In the next, final, office action, grounds for rejecting claim 13 were provided.⁴ However, as no grounds of rejection were presented in the previous office action, this
15 represents a first ground of rejection, and thus a new ground of rejection.

¹ See the Final Office Action dated 4/24/03, Page 6, Line 12.

² MPEP § 706.07(a).

³ The Office Action, dated 11/1/02, lists claim 13 in the rejection, but provides no grounds for rejection. Specifically, the limitations of claim 13 are never discussed.

⁴ See the Final Office Action, dated 4/24/03, Page 3, Lines 18-19.

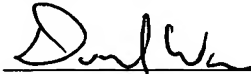
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Accordingly, it is respectfully requested that the finality of the last Office Action be reconsidered, and Applicant's be presented with the opportunity to address the new grounds of rejection, or petition the matter in the event the final rejection is maintained by Advisory Action.

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Respectfully Submitted,



June 20, 2003

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10